

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

In the Matter of)

UNITED STATES DEPARTMENT)
OF LABOR)

v.)

SOUTHEASTERN ARIZONA HUMAN)
RESOURCES COUNCIL, INC.)

Case No. 82-CTA-243


REMAND ORDER

On March 21, 1986, United States Department of Labor Administrative Law Judge (ALJ) Alexander Karst issued a **decision** and order dismissing this case. The **ALJ's** decision was based on the interpretation of Section 106(b) of the Comprehensive Employment and Training Act (CETA), 29 U.S.C. § 816(b) (Supp. V **1981**), by the United States Court of Appeals for the Ninth Circuit in City of Edmonds v. United States Department of Labor, 749 F.2d 1419 (1984). That decision held that the failure of a Grant Officer to issue a final determination within 120 days from receipt of a complaint or a final audit report **was** a jurisdictional bar which prevented the Secretary from pursuing a case. The Department appealed the issue of that interpretation to the Supreme Court which, in a unanimous opinion, rejected the Ninth Circuit's interpretation and held that the Secretary does not lose the power to **recover 'misused** CETA funds after the expiration of the **120-day** period specified in § 106(b). Brock v. Pierce County, 54 U.S.L.W. 4476 (U.S.

May 19, 1986), reversing Pierce County v. United States, 759
F.2d 139.8 '(9th Cir. 19.85).

The ALJ's decision in this case was stayed by my Order of April 30, 1986, pending the decision in Pierce County. Upon consideration of the Court's decision in Pierce County, the stay order IS LIFTED, the March 21, 1986, decision and order of the ALJ IS VACATED, and this case is REMANDED to ALJ Karst for proceedings on the merits.

SO ORDERED.


Secretary of Labor

Dated: JUN 30 1986
Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: **USDOL v. SOUTHEASTERN ARIZONA HUMAN RESOURCES COUNCIL, INC.**
Case No.: 82-CTA-243
Document: REMAND ORDER.

A copy of the above-referenced document was sent to the following persons on June 30, 1986.

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